

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 532
Department or Agency: Alabama Massage Therapy Licensing Board
Rule No.: Chapter 532-X-8
Rule Title: Criminal History Fingerprint Background Check
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Honor L. Ingels
Honor L Ingels

Date

Wednesday, May 13, 2026

REC'D & FILED
MAY 13, 2026

LEGISLATIVE SVC AGENCY

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Massage Therapy Licensing Board, Alabama

RULE NO. & TITLE: Chapter 532-X-8 Criminal History Fingerprint
Background Check

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes amending the subject chapter to remove outdated references to fingerprint cards previously used in conducting required background checks.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 PM on Friday, July 3, 2026, and may be directed to PO Box 303900, Montgomery, AL 36130, (334) 293-5236, or Natalie.Baker@abn.alabama.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, July 3, 2026

CONTACT PERSON AT AGENCY:

Natalie R. Baker

Honor L. Ingels

Honor L Ingels

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

ALABAMA MASSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE

CHAPTER 532-X-8
CRIMINAL HISTORY FINGERPRINT BACKGROUND CHECK

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532-X-8-.01	<u>Authorization For Criminal History Background Check.</u>

1. The board is authorized to require that an applicant or licensee submit to a criminal history background check in the following circumstances:

- a. Initial licensure, renewal, or reinstatement of a massage therapist license.
- b. Initial application and renewal of a massage therapy establishment license. The requirement applies to all individuals considered applicants for establishment licenses.
- c. Upon complaint.

2. The board will conduct a state and national a criminal history ~~fingerprint~~-background check.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Repealed and New Rule:** Published September 30, 2024; effective November 14, 2024. **Amended:** Published September 30, 2025; effective November 14, 2025. Amended: Published ; effective .

Process For Criminal History Fingerprint Background Check.

1. ~~Applicant(s) for license(s) shall~~Each applicant who is required to submit to ~~the board the following for~~ a criminal history background check ~~to be completed:~~shall do so in the manner prescribed by the Board.
 - a. ~~A signed and notarized Application to Review Criminal History Record Information-SBI Form 46 from the Alabama Law Enforcement Agency (ALEA) authorizing ALEA to release any and all criminal history information to the board. Results of the criminal background check will be returned to the board by ALEA.~~
 - b. ~~Two (2) completed FBI-approved FD-258 fingerprint cards, or an FBI-approved AFIS printout of an official applicant fingerprint card, which will be submitted, along with the release form, to ALEA to perform a state and national background check taken by an authorized law enforcement agency that has an FBI-issued ORI consistent with appendix B of SBI Form 46.~~
 - c. ~~A copy of a valid photo identification; valid photo identification must be one of the following:~~
 1. ~~A valid, unexpired state-issued photo driver license or photo ID (non-driver) card.~~
 2. ~~A valid, unexpired United States Citizenship and Immigration Service document which may include either:~~
 - i. ~~Certificate of Naturalization N-550~~
 - ii. ~~Replacement Certificate of Naturalization N-570~~
 - iii. ~~Special Certificate of Naturalization N-578~~
 - iv. ~~Certificate of Citizenship N-560~~
 - v. ~~Replacement Certificate of Citizenship N-561~~
 - d. ~~A valid, unexpired United States Passport; or~~
 - e. ~~a valid, unexpired Foreign Passport which meets the following requirements:~~
 1. ~~A foreign passport must contain a valid United States Visa or I-94 to be used as primary proof of identification; or~~
 2. ~~A foreign passport, not issued in English, must be translated and accompanied by a Certificate of Accurate Translation. Passports are not acceptable if un-translated to English and/or expired.~~

~~f. The applicant for fingerprinting must review the Noncriminal Justice Applicant's Privacy Rights and Privacy Act Statement.~~

Author: Alabama Massage Therapy Licensing Board
Statutory Authority: Code of Ala. 1975, §34-43A-6.
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532-X-8-.03 Processing Of Criminal History Background Checks.

1. Information received by the board pursuant to a state and national criminal history background check shall be confidential and shall not be a public record, except that any information received by and relied upon by the board in denying the issuance of a license or revoking, suspending, or otherwise disciplining a license or licensee may be disclosed as necessary to support the denial or revocation, suspension, or other disciplinary action.
2. The board may deny the application of any applicant or discipline the license of any licensee who refuses to complete a criminal history background check.
3. The fees for criminal history background checks are the responsibility of the applicant.
4. If an applicant has a disability that prevents the applicant from being fingerprinted then ALEA will perform a name-based search, upon submission of all completed documents and evidence of the disability that prevents the applicant from being fingerprinted.

Author: Alabama Massage Therapy Licensing Board
Statutory Authority: Code of Ala. 1975, §34-43A-6.
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